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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/696,754

Filing Date

October 29, 2003

First Named Inventor

Peter F. Gerhardinger

Art Unit

3742

Examiner Name

S. Y. Paik

Attorney Docket Number

1-15693

ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/
Incomplete Application
- ☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify
below):
- Return Postcard
Duplicate Copy of Notification

Remarks

Notification of Establishment of Small Entity Status by Error
Check in the amount of \$655

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MARSHALL & MELHORN, LLC.

Signature

Printed name

Donald A. Schurr

Date

8-19-05

Reg. No.

34,247

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Roberta A. Winzler

Typed or printed name

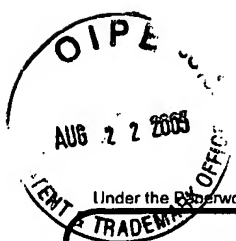
Roberta A. Winzler

Date

8-19-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) \$655**Complete if Known**

Application Number	10/696,754
Filing Date	October 29, 2003
First Named Inventor	Peter F. Gerhardinger
Examiner Name	S. Y. Paik
Art Unit	3742
Attorney Docket No.	1-15693

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 13-1816 Deposit Account Name: MARSHALL & MELHORN, LLC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP = _____	x _____	= _____		Fee (\$) Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20.				
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	
- 3 or HP = _____	x _____	= _____		
HP = highest number of independent claims paid for, if greater than 3.				

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notification of Establishment of Small Entity Status by Error**Fees Paid (\$)**

\$655

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 34,247	Telephone 419-249-7145
Name (Print/Type)	Donald A. Schurr	Date	8-19-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Roberta A. Winzeler

(Name)

Roberta A. Winzeler
(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner:	S. Y. Paik
Peter F. Gerhardinger)		
)		
Serial No: 10/696,754)	Art Unit:	3742
Filed: October 29, 2003)		
)	Attorney Docket No. :	1-15693
For: HEATER PLATE ASSEMBLY)		
FOR A COOKING APPLIANCE)		

August 19, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

08/23/2005 SLUANG1 00000005 10696754

01 FC:1461

130.00 OP

**NOTIFICATION OF ESTABLISHMENT OF
SMALL ENTITY STATUS BY ERROR,
PURSUANT TO 37 CFR §1.28(c)**

Honorable Sir:

The above-captioned application is a utility application claiming the benefit of provisional application 60/426,534 filed November 15, 2002.

A small entity statement was filed in provisional application Serial No. 60/426,534, in good faith. A small entity statement was also submitted in good faith in the subsequent utility application Serial No. 10/695,754.

Applicants' undersigned counsel has now discovered and determined that such status as a small entity may have been established in error. Accordingly, such status is hereby withdrawn.

08/23/2005

08/23/2005 SLUANG1 00000003 10696754

01 FC:1001

01 FC:1001

790.00 OP

5 SLUANG1 00000003 10696754

Adjustment date: 08/23/2005 SLUANG1
11/03/2003 WABRHAM1 00000001 10696754
-365.00 OP
01 FC:2001

Upon reviewing the file history, the following deficient fee payment has been noted in this application, Serial No. 10/695,754 and provisional application 60/426,534:

- 1) fee of \$80 for filing provisional application fee paid on November 15, 2002.
Current fee for same calculated to be \$200. Amount of deficiency equals \$120.

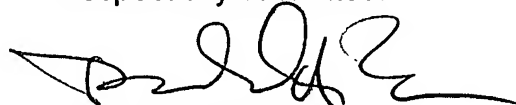
Further, the following deficient fee payments have been noted in the utility application, Serial No. 10/695,702:

- 1) Fee of \$465 for filing of utility application paid on October 29, 2003.
Current fee for same calculated to be \$1,000. Amount of deficiency equals \$535.

A check in the amount of \$ \$655 is attached to cover the total amount of the deficiencies between the amount of the fees paid and the amount due under the current United States Patent and Trademark Office fee schedule. Although there has been a good faith effort to identify each and every deficient fee paid and the amount of such deficiency, please charge any additional fees or further deficiency in any fee paid (or credit any overpayment) to Deposit Account No. 13-1816

A duplicate of this paper is attached.

Respectfully submitted.



Donald A. Schurr
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